

**CONSIDERATION OF AN APPLICATION TO VARY A
PREMISES LICENCE
Tesco, 29-33 Hills Road, Cambridge, CB2 1NW**

To: Licensing Sub Committee:

Report by: Karen O'Connor (Commercial and Licensing Manager)

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Wards affected: All

INTRODUCTION

- 1.1 An application under section 34 of the Licensing Act 2003 to vary the Premises Licence issued in respect of Tesco 29-33 Hills Road, Cambridge, CB 2 1NW has been received from Tesco Licensing Team, 5 Falcon Way, Shire Park, Welwyn Garden City, Hertfordshire AL7 1TW. The application was served on Cambridge City Council (the Licensing Authority) on 4th September 2018. A copy of the application was also served on each responsible authority. The application is attached to the report at Appendix A and the current Premises Licence is attached to the report as Appendix B.

- 1.2 The applicant is seeking to vary the premises licence to extend the hours the store can sell alcohol to commence at 6:00 am instead of 8:00 am on Monday to Saturday and 10:00 am on a Sunday.
- 1.3 In accordance with the regulations of the Act, the application was advertised on the premises and in the Cambridge Independent to invite representations from responsible authorities and other persons. The last date for submitting representations was 3rd October 2018.
- 1.4 A representation was received from one other person attached to the report as Appendix C. No representations were received from any of the Responsible Authorities however Cambridge Constabulary agreed conditions with the applicant, which if the variation is granted would be added to the existing condition found at Annex 2 of the Premises Licence.
- 1.5 A copy of the conditions agreed between the applicant and Cambridge Constabulary are attached to this report as Appendix D. Members can add further condition to this list if so minded.
- 1.6 The application needs to be determined.

2. RECOMMENDATION

- 2.1 That Members determine the application on its individual merits having reference to the statutory licensing objectives and Cambridge City Council's Statement of Licensing Policy.

3. BACKGROUND

- 3.1 The premises are located within a cumulative impact area. It is therefore subject to a special policy on cumulative impact. The special policy creates a rebuttable presumption that applications within cumulative impact areas for any new premises licence or variations that are likely to add to the existing cumulative impact will normally be refused if relevant representations are received about the cumulative impact on the licensing objectives.
- 3.2 This is unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact already being experienced. The Council's Statement of Licensing Policy contains

information on the cumulative impact. The section relating to cumulative impact has been taken from the policy and attached to the report as Appendix E.

- 3.3 The Premises Licence has been in effect since 20th September 2005. No complaints have been received since this date in regards to the operation of the premises licence.
- 3.4 In carrying out its licensing functions, the Licensing Authority must have regard to its Statement of Licensing Policy and additionally the statutory guidance issued under Section 182 of the Licensing Act 2003. The relevant sections from the Council's Statement of Licensing Policy are:
- Objectives, section 2
 - Fundamental principles, section 4
 - Cumulative impact, section 5
 - Licensing Hours, section 6
 - Licence Conditions, section 8

4. CONSULTATIONS

- 4.1 The Licensing Act 2003 requires applications made under section 34 of the Act to be served on the Responsible Authorities and also advertised on the premises and in a local newspaper circulating within the vicinity of the premises. During the consultation period, Responsible Authorities and Other Persons (any individual, body or business entitled to make representations to licensing authorities) may make a representation in respect of the application.
- 4.2 Statutory consultation has therefore taken place with Responsible Authorities and interested parties in accordance with the procedures set out in the Licensing Act 2003 and associated regulations made under the Act.

5. OPTIONS

- 5.1 Whilst having reference to the information provided by the applicant and the information raised in the representation and also Cambridge City Council's Statement of Licensing Policy, the

Sub-Committee's decision must be made with a view to promoting one or more of the four licensing objectives, namely:

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

5.2 Members should take such steps that they consider are necessary for the promotion of the licensing objectives. The Sub-Committee may resolve:

- (a) to grant the variation as applied for;
- (b) to modify the conditions of the licence
- (c) to reject the whole or part of the application

5.3 Members must give reasons for their decision.

6. CONCLUSIONS

6.1 The Licensing Authority has a duty under the Licensing Act 2003 to promote the Licensing Objectives. Each objective has equal importance. In carrying out its licensing functions, the Licensing Authority must also have regard to its Statement of Licensing Policy, and the Statutory Guidance under the Licensing Act 2003 and it is bound by the Human Rights Act 1998. The Council must also fulfill its obligations under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in Cambridge.

7. IMPLICATIONS

a) Financial Implications

Cambridge City Council (the Licensing Authority) has a statutory duty to determine applications made under the Licensing Act 2003. The application fees associated with such applications are set by Central Government and are intended to cover the cost of administering the licensing regime.

There are no specific financial implications associated with this report.

(b) **Staffing Implications**

There are no staffing implications associated with this report.

(c) **Equal Opportunities Implications**

No Equality Impact Assessment has been conducted as the only consideration in reaching a decision is whether the granting of the application will undermine the statutory licensing objectives.

(d) **Environmental Implications**

Any environmental implications that need to be considered must specifically relate to the promotion of the statutory licensing objectives and will be contained in the representations made by the responsible authorities or interested parties.

(e) **Community Safety**

Cambridge Constabulary, Cambridgeshire Fire & Rescue Service, Cambridge City Council's Environmental Health Team, Cambridge City Council's Planning Service, Cambridgeshire County Council's Child Protection & Review Unit, Cambridgeshire County Council's Trading Standards Department and the Public Health Director were consulted as part of the application process and could have made representation if it was considered that the granting of the application would undermine one or more of the statutory licensing objectives.

Those making representations would have raised any relevant community safety implications.

8. BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

[Licensing Act 2003](#)

[The Licensing Act 2003 \(Premises licences and club premises certificates\) Regulations 2005](#)

[Guidance issued under section 182 of the Licensing Act 2003](#)

[The Council's Statement of Licensing Policy](#)

Appendix A – Application Form
Appendix B – Current Premises Licence
Appendix C – Representation
Appendix D – Conditions agreed between applicant and Police
Appendix E – Section from Statement of Licensing Policy that deals with Cumulative Impact

To inspect these documents either view the above hyperlinks or contact Trish Kaye on extension 7667.

The author and contact officer for queries on the report is Trish Kaye on extension 7667.

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